

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
ROOM W015, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX
January 29, 2007**

Members Present: Sen. Michael G. Waddoups, Co-Chair
Rep. Eric K. Hutchings, Co-Chair
Sen. Scott D. McCoy
Rep. Douglas C. Aagard
Rep. Keith Grover
Rep. Christopher N. Herrod
Rep. Brad King
Rep. Curtis Oda
Rep. Jennifer M. Seelig

Members Absent: Sen. Curtis S. Bramble

Staff Present: Gary Ricks, Fiscal Analyst
Derek Byrne, Fiscal Analyst
Carrie Griffith, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Rep. Hutchings called the meeting to order at 2:17 p.m.

Other Business

Rep. Bigelow discussed sex offender treatment in the juvenile justice system. Dan Maldonado, Juvenile Justice Services, expressed his concerns about the increase in sex offenders.

Rep. Bigelow encouraged committee members to be supportive of current bills concerning sex offender treatment and also for the prevention of underage drinking.

Gary Ricks, Fiscal Analyst, referred to several Fees items in the COBI, letting committee members know these items need to be approved by the Legislature. Referring committee members to Tab 7 of the COBI, he explained the items on the Governor Office Schedule of Fees, including Additional Fees Requests.

Michael Cragun, Deputy Director Office of the Lt. Governor and Sandy Naegle responded to questions raised by committee members regarding the "custom voter registration report" and "copy of complete voter registration data."

Mr. Ricks explained "Additional Driver License Division Fees," located behind Tab 11 of the

COBI. Nannette Rolfe, Department of Public Safety, responded to questions raised by committee members regarding these fees.

Mr. Ricks referred committee members to the last two pages behind Tab 10 of the COBI. The first handout shows items on the Attorney General's budget they hope does not come out of their funding but will go to Executive Appropriations. The next handout shows a breakdown of items currently added to the Priority List by committee members.

Voting/Review Office of the Attorney General

Gary Ricks, Fiscal Analyst, briefly reviewed the Office of the Attorney General's budget requests.

Werner Haidenthaller, Chief Administrator and Raymond Hintze, Chief Deputy, answered questions raised by committee members regarding the David C. lawsuit.

MOTION: Sen. McCoy moved to approve a base budget for FY 2008 of \$42,171,800. The motion passed unanimously.

MOTION: Sen. McCoy moved to approve the following nonlapsing intent language:

"The Legislature intends that funds provided for the Attorney General shall not lapse;"

"The Legislature intends that funds provided for Contract Attorneys shall not lapse;"

"The Legislature intends that funds provided for the Children's Justice Centers shall not lapse;"

"The Legislature intends that funds provided for Prosecution Council shall not lapse;"

"The Legislature intends that funds provided for Domestic Violence shall not lapse."

The motion passed unanimously.

MOTION: Sen. Waddoups moved to approve a General Fund supplemental appropriation of \$29,900 for FY 2007 to pay for outside counsel costs for the successful defense of the HB213 Sick Leave lawsuit. The motion passed unanimously.

MOTION: Sen. Waddoups moved to approve an ongoing General Fund appropriation of \$20,000 beginning FY 2008 to pay for the lease increase at the Murray Facility. The motion passed, with Sen. McCoy, Rep. Grover and Rep. Hutchings voting in opposition.

MOTION: Rep. Herrod moved that the General Fund supplemental appropriation of \$29,900 for FY 2007 to pay for outside counsel costs for the successful defense of the HB 213 Sick Leave lawsuit (as mentioned above in a motion by Sen. Waddoups) be moved to the secondary list. The motion passed unanimously.

MOTION: Rep. King moved to place on the Building Block List an ongoing General Fund appropriation of \$20,000 beginning FY 2008 to pay for the lease increase at the Murray Facility (as mentioned above in a motion by Sen. Waddoups). The motion passed unanimously.

Rep. King requested that Department heads present the committee with a prioritized list for final contemplation.

MOTION: Sen. McCoy moved to approve Salary Equity Adjustments for Attorneys in the amount of \$2,806,200 and Salary Equity Adjustment for Investigators in the amount of \$276,300. The motion passed unanimously.

Gary Ricks explained to the committee the reasons the above motion was on the Attorney General's list of requested items but not recommended by the Analysts'.

MOTION: Rep. King moved to place on the Building Block list the St. George Child Protection Workload Increase in the amount of \$161,000 and a UCAT Attorney in the amount of \$121,000.

SUBSTITUTE

MOTION: Rep. Hutchings moved to separate the above motion in two parts. The first motion is to place on the Building Block list the St. George Child Protection Workload Increase in the amount of \$161,000, including two FTEs. The motion passed unanimously.

Mark Shurtleff, Attorney, explained the responsibilities of the UCAT attorney.

MOTION: Rep. Hutchings moved to place on the Building Block list one UCAT Attorney, for \$121,000 and 1.5 FTEs. The motion passed, with Rep. Hutchings voting in opposition.

MOTION: Sen. McCoy moved to place on the Building Block list the SLC Child Protection workload increase and 2 FTEs, in the amount of \$144,600. The motion passed unanimously.

Mark Shurtleff and Werner Haidenthaller answered questions raised by committee members regarding dedicated credits.

Voting/Review of Guardian ad Litem

MOTION: Rep. King moved to add a building block of \$1,567,600 ongoing from the General Fund and \$133,100 in one-time General Fund to fund an additional 11 attorneys and 11.5 support staff in FY 2008. The motion passed with Sen. Waddoups voting in opposition.

MOTION: Sen. McCoy moved to approve a base budget of \$4,336,200. The motion passed unanimously.

MOTION: Rep. Aagard moved the continuation of the following Legislative intent language:

"It is the intent of the Legislature that the funds for the Guardian ad Litem line item shall not lapse."

The motion passed unanimously.

In addition to the motions made in today's meeting, committee members would like to discuss the Guardian ad Litem Program in depth during Interim.

Department of Corrections Budget Review

Derek Byrne, Fiscal Analyst, distributed a handout titled "Issue Brief--Department of Corrections Building Blocks" and explained the differences between the Governor's recommendations and the Analysts' recommendations. He also explained the difference between jail contracting and jail reimbursement.

Tom Patterson, Executive Director, assisted by Cliff Butter, Director Planning and Budget, introduced several members of their department. A handout titled "FY'08 Budget Presentation Utah Department of Corrections" was distributed to the committee and discussed in depth by Mr. Patterson.

Mr. Patterson felt it was important to note that if DORA passes in the FY'08 Legislative session, the Department would not need the requested \$773,100 for meth agents, as listed on their Building Block list on page 2 of the handout. However, if DORA does not pass, this issue will need to be addressed.

Mr. Butter responded to questions raised by committee members concerning the Sex Offender Treatment Program. The Department was asked to provide data showing recidivism of sex offenders.

Report from the Legislative Auditor General, "A Performance Audit of Utah Department of Corrections"

Kade Minchey, Auditor General's Office, distributed a slideshow handout regarding the performance audit of the Department of Corrections and briefly explained it to the committee. Tim Osterstock, Office of the Legislative General, answered questions relating to the handout.

Kelly Atkinson, Fraternal Order of Police

Kelly Atkinson, Executive Director, addressed the committee. A handout was distributed and discussed by Mr. Atkinson. He encouraged the committee to read the handout, which details recommendations by their Order on ways they feel would improve the department and end favoritism.

Delphia Alvarado, Agent with the Probation and Parole Office, expressed gratitude to Kelly Atkinson for the Performance Audit of the Department of Corrections. She expressed her feeling that performance audits will give women hope in ending gender discrimination.

Tom Patterson, Executive Director Department of Corrections, distributed a handout titled, "Legislative Audit Utah Department of Corrections." He briefly explained ways he would like to improve the morale of the Department while also performing their duties in safeguarding the community.

MOTION: Rep. Aagard moved to adjourned the meeting. The motion passed unanimously.

Rep. Hutchings adjourned the meeting at 5:14 p.m.

Sen. Michael G. Waddoups, Co-Chair

Rep. Eric K. Hutchings, Co-Chair